



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3110.03US02

Stephen D. Kuslich

Confirmation No.: 6813

Application No.: 10/702,096

Examiner: Unknown

Filed: November 05, 2003

Group Art Unit: 3738

For: A SEMI-BIOLOGICAL INTERVERTEBRAL DISC REPLACEMENT SYSTEM

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This information is being filed before the mailing date of a first Office Action on the merits. No certification or fee is required.

Respectfully submitted,

Wendy J. Cusick  
Registration No. 52,788

Customer No. 24113  
Patterson, Thuente, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402-2100  
Telephone: (612) 349-3019


Application No. 10/702,096

*Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.*

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## Substitute for form 1449/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/702,096
Filing Date	11/05/03
First Named Inventor	Stephen D. Kuslich
Art Unit	3738
Examiner Name	Unknown
Attorney Docket Number	3110.03US02

Sheet 1 of 2

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number-Kind Code <sup>2</sup> (if known)		
		US-4,772,287	09-20-1988	Ray et al.
		US-4,904,260	02-27-1990	Ray et al.
		US-5,192,326	03-09-1993	Bao et al.
		US-5,919,235	07-06-1999	Husson et al.
		US-6,240,926 B1	06-05-2001	Chin Gan et al.
		US-6,437,018 B1	08-20-2002	Gertzmann et al.

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)			

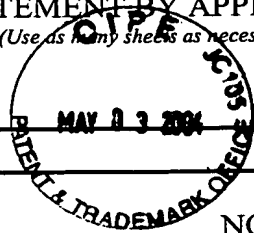
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Substitute for form 1449/PTO		Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Application Number	10/702,096
		Filing Date	11/05/03
		First Named Inventor	Stephen D. Kuslich
		Art Unit	3738
		Examiner Name	Unknown
Sheet 2 of 2	Attorney Docket Number	3110.03US02	



### NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIAL*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		"The Origin of Low Back Pain and Sciatica: A Microsurgical Investigation," Kuslich et al.; and "Microsurgical Lumbar Nerve Root Decompression Utilizing Progressive Local Anesthesia," Kuslich, reprinted from <i>Microsurgery of the Lumbar Spine</i> , R.W. Williams et al. (Eds.), pp. 1-7, 139-147 (1990).	
		"Biomechanical and Morphologic Evaluation of a Three-Dimensional Fabric Sheep Artificial Intervertebral Disc; <i>In Vitro</i> and <i>In Vivo</i> Analysis," Kadoya, MD, et al., SPINE Vol. 26, No. 14, 1562-1569 (2001).	

EXAMINER SIGNATURE	DATE CONSIDERED
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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